

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BURKE REALTY COMPANY, INC.

COMPLAINANT

V.

KENTUCKY TURNPIKE WATER DISTRICT

DEFENDANT

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) CASE NO. 97-323
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O R D E R

Complainant having made several motions on procedural matters and the Commission having considered these motions and being otherwise sufficiently advised, IT IS HEREBY ORDERED that:

1. Complainant's Motion for Relief and/or Penalties is denied.
2. Complainant's Motion in Limine to prohibit hearing testimony regarding a service moratorium is denied.
3. Complainant's Motion for Clarification is granted.
4. At the scheduled hearing, a party may call any witness whose testimony has not been previously filed with the Commission if such witness is not in the employ of or under the control or influence of that party. The limitations on direct examination that are set forth in ordering Paragraph 8 of the Commission's Order of December 5, 1997 shall not apply to these witnesses.
5. Complainant's Motion for Disclosure of Subpoenaed Witnesses is granted.

6. All parties shall, no later than 10:00 a.m., Eastern Standard Time, on March 31, 1998, provide notice to opposing counsel of the names of all witnesses who will testify but who have not filed written testimony. Such notice shall be served upon opposing parties by facsimile and first class mail.

7. Complainant's Motion to incorporate by reference into the record of this proceeding certain documents that are on file with the Commission is granted.

8. The following documents are incorporated by reference into the record of this proceeding and the record of the hearing in this matter:

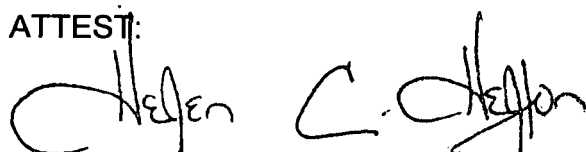
- a. Record of Case No. 96-247.¹
- b. All rate schedules and tariff sheets of Kentucky Turnpike Water District filed with the Commission and in effect since on or after June 9, 1997.
- c. All annual financial reports filed by Kentucky Turnpike Water District since on or after June 9, 1997.

Done at Frankfort, Kentucky, this 30th day of March, 1998.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

¹ Case No. 96-247, The Tariff Filing of Kentucky Turnpike Water District to Revise its Tariff to Assess an Impact Fee to Applicants Located in the Beech Grove Road Area.